



AUSTIN CITY CLERK  
POSTING: DATE/TIME

Zoning Case No. C14-2008-0183SH

2009 JUL 10 AM 9 19 RESTRICTIVE COVENANT

OWNER: Lexington 281, L.P., a Texas limited partnership

ADDRESS: Centurion American, 1221 North I-35 East, Suite 200,  
Carrollton, Texas 75006

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Being a 17.876 acres tract of land, and a 14.305 acre tract of land, out of the Jose Antonio Navarro Grant, Travis County, the tracts being more particularly described by metes and bounds in Exhibit "A" attached and incorporated into this covenant.

WHEREAS, the Owner (the "Owner", whether one or more) of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Alliance Transportation, Inc., dated March 2009, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated March 31, 2009. The TIA shall be kept on file at the Watershed Protection and Development Review Department.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

6-11-09 #57

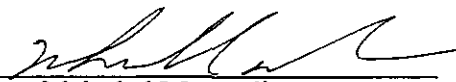
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 2 day of June, 2009


**OWNER:**

**Lexington 281, L.P.,  
a Texas limited partnership**

By: Lexington 281 GP, LLC,  
a Texas limited liability company,  
its general partner

By:   
Mehrdad Moayedi,  
Manager

APPROVED AS TO FORM:

  
Assistant City Attorney  
City of Austin

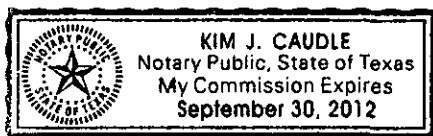
THE STATE OF TEXAS

§

COUNTY OF Dallas

§

This instrument was acknowledged before me on this the 2 day of June, 2009, by Mehrdad Moayedi, Manager of Lexington 281 GP, LLC, a Texas limited liability company, general partner of Lexington 281, L.P., a Texas limited partnership, on behalf of the company and the partnership.



Kim Caudle  
Notary Public, State of Texas

After Recording, Please Return to:  
City of Austin  
Department of Law  
P. O. Box 1088  
Austin, Texas 78767-1088  
Attention: Diana Minter, Paralegal

EXHIBIT A

**BEING A 17.876 ACRE TRACT, DESCRIBED BY DELTA SURVEY GROUP, INC., IN JULY 2008, LOCATED IN THE JOSE ANTONIO NAVARRO GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 30.030 ACRE TRACT CONVEYED TO LEXINGTON PARKE PARTNERS, LTD., BY DEED OF RECORD IN DOCUMENT NUMBER 2005231574 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF A 36.749 ACRE TRACT CONVEYED TO LEXINGTON PARKE PARTNERS, LTD., BY DEED OF RECORD IN DOCUMENT NUMBER 2005231573 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 17.876 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2 inch iron rod with plastic "Chapparal" cap found in the north right-of-way (R.O.W.) line of Pearce Road (R.O.W. 90'), same being a south corner of said 30.030 acre tract, also being a south corner of Deerwood Subdivision a subdivision of record in Volume 100, Page 120 of the Plat Records, Travis County, Texas, for the **POINT OF BEGINNING;**

**THENCE** with the north right-of-way line of said Pearce Lane, same being a southwest line of said 30.030 acre tract, N59°44'19"W a distance of 780.00 feet to a 1/2 inch iron rod with plastic "Delta Survey" cap found for a northwest corner of said 30.030 acre tract, same being a southwest corner of a remainder of 78.813 acres conveyed to Phil Berdoll, ET AL. by deed of record in Volume 11659, page 121 of the Real Property Records, Travis County, Texas;

**THENCE** leaving the North right-of-way line of said Pearce Road and with a south line of said 78.813 acre tract, same being a north line of said 30.030 acre tract, N53°35'37"E a distance of 1755.84 feet to a 1/2 inch iron rod with plastic "Delta Survey" cap found for an east corner of said 78.813 acre tract, same being a north corner of said 30.030 acre tract, also being a south corner of a remainder of 745.12 acre tract conveyed to Ivy Berdoll Family Farms, Inc., by deed of record in Volume 10846, Page 237 of the Real Property Records, Travis County, Texas, also being a west corner of said 36.749 acre tract;

**THENCE** with a south line of said 745.12 acre tract, same being a north line of said 36.749 acre tract, N55°34'36"E a distance of 290.93 feet to a calculated point;

**THENCE** leaving said common line and crossing said 36.749 acre tract and said 30.030 acre tract the following eight (8) courses and distances:

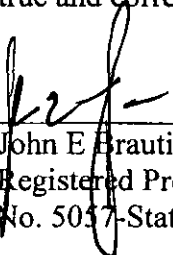
1. S38°02'08"E a distance of 152.50 feet to a calculated point,
2. S34°19'49"E a distance of 70.15 feet to a calculated point,
3. S51°57'52"W a distance of 261.31 feet to a calculated point,

4. with the arc of a curve to the left a distance of 109.46 feet, through a central angle of  $11^{\circ}06'02''$ , with a radius of 565.00 feet, and whose chord bears  $S46^{\circ}24'51''W$ , a distance of 109.29 feet to a calculated point,
5.  $S40^{\circ}51'49''W$  a distance of 360.93 feet to a calculated point,
6. with the arc of a curve to the right a distance of 211.80 feet, through a central angle of  $22^{\circ}40'57''$ , with a radius of 535.00 feet, and whose chord bears  $S52^{\circ}12'18''W$ , a distance of 210.42 feet to a calculated point,
7.  $S63^{\circ}32'47''W$  a distance of 332.03 feet to a calculated point, and
8.  $S59^{\circ}30'04''E$  a distance of 211.90 feet to a  $3/4$  inch iron pipe found for a south corner of said 30.030 acre tract, same being a north corner of said Deerwood Subdivision;

**THENCE** with a south line of said 30.030 acre tract, same being a north line of said Deerwood Subdivision,  $S30^{\circ}29'33''W$  a distance of 612.61 feet to the **POINT OF BEGINNING** and containing 17.876 acres of land, more or less.

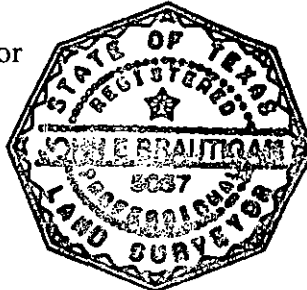
**BEARING BASIS:** Lexington Parke Section One, Document Number 200400121, Official Public Records, Travis County, Texas

I, John E Brautigam hereby certify that the foregoing description represents an on-the-ground survey performed under my direction and supervision during July 2008, and is true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
John E Brautigam  
Registered Professional Land Surveyor  
No. 5057-State of Texas

07-25-08  
Date

Delta Survey Group, Inc.  
8213 Brodie Lane, Suite 102  
Austin, Texas 78745

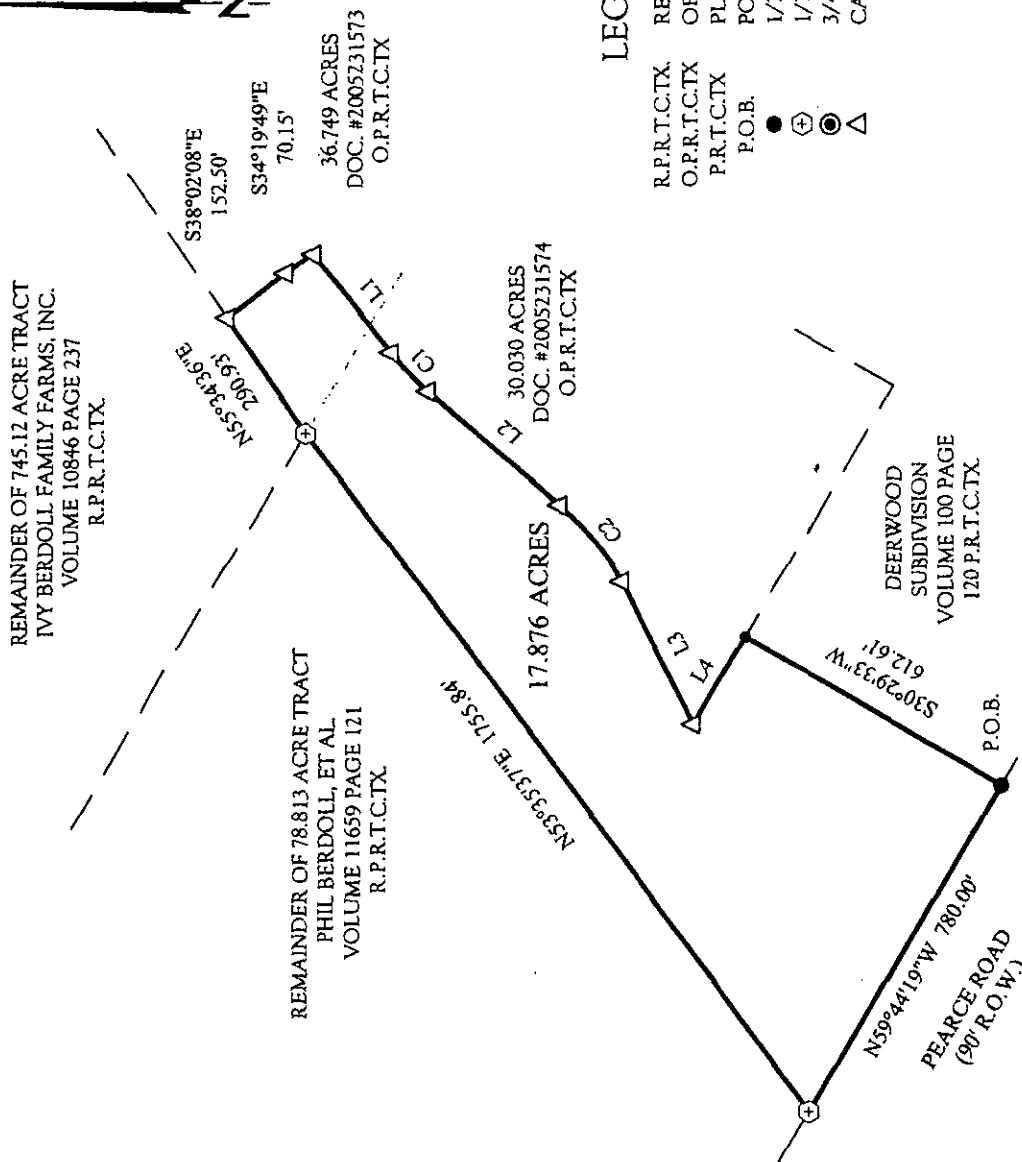


# JOSE ANTONIO NAVARRO GRANT TRAVIS COUNTY, TEXAS JULY 2008



GRAPHIC SCALE

1" = 400'



## LEGEND

- R.P.R.T.C.TX. REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS
- O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
- P.R.T.C.TX. PLAT RECORDS, TRAVIS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- 1/2 INCH IRON ROD WITH "CHAPPARAL" CAP FOUND
- ⊕ 1/2 INCH IRON ROD WITH "DELTA SURVEY" CAP FOUND
- ⊙ 3/4 INCH IRON PIPE FOUND
- △ CALCULATED POINT

**Delta Survey Group Inc.**

8213 Brodie Lane Ste. 102 Austin, TX. 78745  
office: (512) 282-5200 fax: (512) 282-5230  
WWW.DELTASURVEYGROUP.COM

QUAD MONTOPOLIS

PROJECT LEXINGTON PARKE

DWG.

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LINE	BEARING	DISTANCE
L1	S51°57'52"W	261.31'
L2	S40°51'49"W	360.93'
L3	S63°32'47"W	332.03'
L4	S59°30'04"E	211.90'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	565.00'	109.46'	109.29'	S46°24'51"W	11°06'02"
C2	535.00'	211.80'	210.42'	S52°12'18"W	22°40'57"

Lexington Parke  
14.305 Acre

Page 1 of 3

**BEING A 14.305 ACRE TRACT, DESCRIBED BY DELTA SURVEY GROUP, INC., IN JULY 2008, LOCATED IN THE JOSE ANTONIO NAVARRO GRANT, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 30.030 ACRE TRACT CONVEYED TO LEXINGTON PARKE PARTNERS, LTD., BY DEED OF RECORD IN DOCUMENT NUMBER 2005231574 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF A 36.749 ACRE TRACT CONVEYED TO LEXINGTON PARKE PARTNERS, LTD., BY DEED OF RECORD IN DOCUMENT NUMBER 2005231573 OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 14.305 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2 inch iron rod with plastic "Chaparral" cap found in a south line of said 36.749 acre tract, same being an east corner of said 30.030 acre tract, also being a north corner of Deerwood Subdivision a subdivision of record in Volume 100, Page 120 of the Plat Records, Travis County, Texas, for the **POINT OF BEGINNING**;

**THENCE** leaving the south line of said 36.749 acre tract and with a south line of said 30.030 acre tract, same being a north line of said Deerwood Subdivision, S30°05'35"W a distance of 998.20 feet to a 1/2 inch iron rod with plastic "Chaparral" cap found for a north corner of said Deerwood Subdivision, same being a south corner of said 30.030 acre tract;

**THENCE** continuing with said common line, N60°01'49"W a distance of 609.98 feet; N59°30'04"W a distance of 211.90 feet to a 3/4 inch iron pipe found for a north corner of said Deerwood Subdivision, same being a south corner of said 30.030 acre tract;

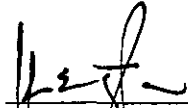
**THENCE** leaving said common line and crossing said 30.030 acre and said 36.749 acre tract the following six (6) courses and distances:

1. N63°32'47"E a distance of 332.03 feet to a calculated point,
2. with the arc of a curve to the left a distance of 211.80 feet, through a central angle of 22°40'57", with a radius of 535.00 feet, and whose chord bears N52°12'18"E, a distance of 210.42 feet to a calculated point,
3. N40°51'49"E a distance of 360.93 feet to a calculated point,
4. With the arc of a curve to the right a distance of 109.46 feet, through a central angle of 11°06'02", with a radius of 565.00 feet, and whose chord bears N46°24'51"E, a distance of 109.29 feet to a calculated point,
5. N51°57'52"E a distance of 261.31 feet to a calculated point, and

6. S34°07'18"E a distance of 404.39 feet to the **POINT OF BEGINNING** and containing 14.305 acres of land, more or less.

**BEARING BASIS:** Lexington Parke Section One, Document Number 200400121, Official Public Records, Travis County, Texas

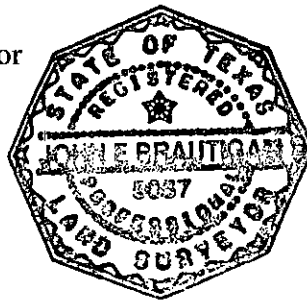
I, John E Brautigam hereby certify that the foregoing description represents an on-the-ground survey performed under my direction and supervision during July 2008, and is true and correct to the best of my knowledge and belief.



John E Brautigam  
Registered Professional Land Surveyor  
No. 5057-State of Texas

07-25-08  
Date

Delta Survey Group, Inc.  
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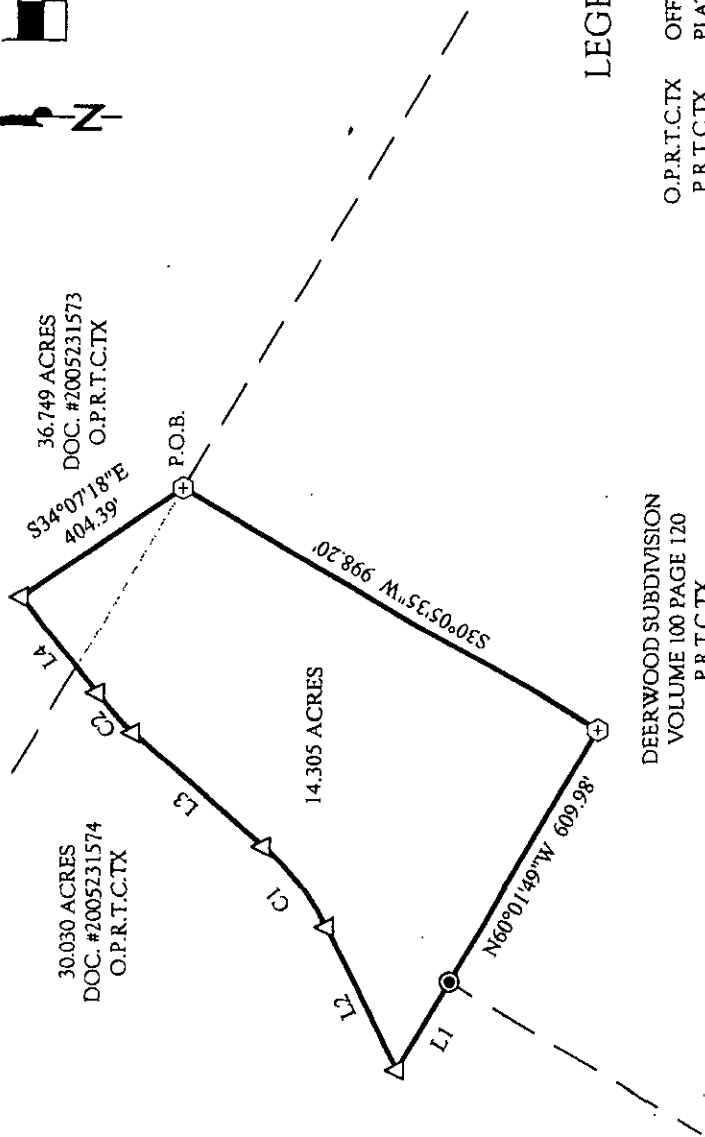
# JOSE ANTONIO NAVARRO GRANT TRAVIS COUNTY, TEXAS

JULY 2008



GRAPHIC SCALE

1" = 400'



## LEGEND

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QUAD MONTOPOLIS  
PROJECT LEXINGTON PARKE  
DWG.

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

*Dana DeBeauvoir*

2009 Jun 17 11:28 AM

2009100533

GONZALES \$52.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

**Recorders Memorandum-**At the time of recordation this instrument was found to be inadequate for the best reproduction, because of illegibility, carbon or photocopy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.